IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 425 of 2006

Paramjeet Singh S/o Mahendra Singh
R/o Village Gaindi Khata
P.S. Shyampur
District Hairdwar ... Petitioner

Vs

1. State of Uttaranchal
2. Forest Department
   Haridwar Forest Division Haridwar through
   Its Range Officer Chiriyaghar Forest Range
   Haridwar ... Respondents

Sri Amish Tewari, learned counsel for the petitioner
Learned A.G.A for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner – Paramjeet Singh who is facing the trial under Section 26 of the Forest Act and Section 9/51 of Wild Life Protection Act. The petitioner by way of this petition prayed for quashing the entire proceedings of Case Crime No. 3404 of 2002 Forest Department Vs Paramjeet Singh pending in the court of Chief Judicial Magistrate, Haridwar.

2. The record reveals that a report was lodged against the petitioner for an offence under Sections 26 of the Forest Act and Section 9/51 of Wild Life Protection Act. The matter was investigated by the police and subsequently, the chargesheet was submitted against the applicant. Thereafter, the trial court took the cognizance. The summoning order was challenged by way of revision and the revisional court also dismissed the revision vide order dated 29.03.2006.

3. Feeling aggrieved by the aforesaid orders passed by the courts below, this petition has been filed under Section 482 Cr.P.C.

4. Heard Sri Amish Tiwari, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

5. Having considered the arguments advanced by the learned counsel for the parties, I am of the view that there is no abuse of process of the court in this case. The averments made in the petition are the disputed question of fact, which can be assessed and judged by the trial court. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence at this stage. Any judgment rendered by me would amount to premature judgment where the evidence is still incomplete and hazy.

6. The petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

22.08.2006
ASWAL